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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gerhard Jaehue et al

Examiner: Vollano, Jean F.

Art Unit: 1633

Application No.: 10/693,102

Filed: October 27, 2003

Title: Polysubstituted inda-1-ol-compounds
and methods for their preparation and
use

TELEFAX CERTIFICATE

I hereby certify that this correspondence is being
transmitted via facsimile to the Commissioner for
Patents, Alexandria, VA 22313, on

November 1, 2004

Date of Transmission

Deena Walker
Signature

Terminal Disclaimer

Mail Stop Art Unit 1621
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Your petitioner, Aventis Pharma Deutschland GmbH, a corporation having offices in Industriepark Hoechst, Gebaude K801, Frankfurt Am Main, Germany, represents that it is the assignee of Application Serial No. 10/693,102, filed on October 27, 2003, by virtue of an assignment to Aventis Pharma Deutschland GmbH which was recorded on December 19, 2002, set out in reel 013605 and frame 0090 in parent Application Serial No. 10/231,362 filed on August 30, 2002.

Your petitioner, Aventis Pharma Deutschland GmbH, hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of Patent No. 6,812,257 corresponding to USSN 10/692,721, which is assigned to and commonly owned by Aventis Pharma Deutschland GmbH and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,812,257, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns. Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application serial number 10/692,735, under 35 U.S.C. § 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24, 1984, and entitled the "Drug Price

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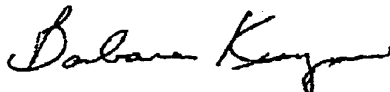
24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

For submissions on behalf of Aventis Pharma Deutschland GmbH, the undersigned is empowered to act on behalf of the organization. Enclosed is a Statement under 37 C.F.R. 3.73(b) Establishing Right of Assignee to Take Action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Please charge Deposit Account No. 18-1982 in the amount of \$110.00. Two duplicate copies of this sheet are enclosed. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,



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